

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

EVANGELINA ACEVEDO,	)	
	)	No. CV-11-3004-JPH
Plaintiff,	)	
	)	ORDER GRANTING STIPULATED
v.	)	MOTION FOR REMAND
	)	
MICHAEL J. ASTRUE,	)	(ECF No. 14)
Commissioner of Social	)	
Security,	)	
	)	
Defendant.	)	

BEFORE THE COURT is the parties' stipulated motion to remand this case to the Commissioner for further administrative proceedings (**ECF No. 14**) pursuant to sentence four. Jeremy D. Wallace represents plaintiff. Special Assistant United States Attorney Richard A. Morris represents defendant. The parties have consented to proceed before a magistrate judge (ECF No. 3).

After considering the stipulated motion (ECF No. 14), **IT IS ORDERED** that the **motion is GRANTED. The case is REVERSED and REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings, including:

1. The ALJ will hold a new hearing;
2. Further develop the record by updating the medical evidence, ordering a consultative examination and/or calling on a medical expert for his or her opinion, as needed;
3. Evaluate plaintiff's depression and anxiety to determine

1 whether they are medically determinable impairments, whether they  
2 are severe, and what limitations they may cause;

3 4. Evaluate the opinions of medical expert James Haynes,  
4 M.D., and of state agency reviewing doctor Norman STaley, M.D., in  
5 accordance with 20 C.F.R. § 404.1527, the SSR's, and Ninth Circuit  
6 case law;

7 5. Reevaluate plaintiff's credibility and the lay evidence,  
8 giving clear and convincing reasons for the credibility  
9 determination; and

10 6. Reevaluate plaintiff's residual functional capacity and  
11 ability to perform her past relevant work, or to do other work, at  
12 step five of the sequential process, obtaining additional  
13 vocational expert testimony if necessary.

14 The ALJ will take any other actions necessary to develop the  
15 record. Plaintiff may submit additional evidence and arguments to  
16 the ALJ on remand.

17 Because this remand is pursuant to sentence four with a  
18 remand to the Commissioner for further proceedings (*see Melkonyan*  
19 *v. Sullivan*, 501 U.S. 89 (1991)), plaintiff is entitled to  
20 reasonable attorney's fees and costs pursuant to 28 U.S.C. § 2412  
21 (d), upon proper request to this Court.

22 IT IS FURTHER ORDERED:

23 1. The parties' stipulated motion for an order of remand  
24 pursuant to sentence four (ECF No. 14) is **GRANTED**.

25 2. Judgment shall be entered for **PLAINTIFF**.

26 3. An application for attorney fees and costs may be filed by  
27 separate motion.

28 ORDER GRANTING STIPULATED MOTION  
FOR ORDER OF REMAND - 2

**DATED** this 29th day of September, 2011.

ORDER GRANTING STIPULATED MOTION  
FOR ORDER OF REMAND - 3